

CD-ROM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re Application of:

Gary R. PASTERNAK et al.

Application Number: 09/591,500

Filed: June 12, 2000

For: GENE FAMILY WITH TRANSFORMATION MODULATING ACTIVITY

Group Art Unit: 1642

Examiner: Natalie A. Davis

#11

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b) ;  
SUBMISSION OF SEQUENCE LISTING AND  
RESPONSE TO RESTRICTION REQUIREMENT**

**Box DAC**

Commissioner for Patents  
Washington, D.C. 20231

In response to the Notice of Abandonment mailed July 23, 2002, Applicants respectfully submit the following Petition for Revival of Abandoned Application under 37 C.F.R. § 1.137(b).

As required under 37 C.F.R. § 1.137(b) Applicants submit herewith (a) a check for the petition fee set forth in 37 C.F.R. § 1.17(m) of \$640.00; and (b) a statement that the entire delay in filing the required reply from the due date of January 11, 2002, for the required reply until the filing of this grantable petition was unintentional. No terminal disclaimer is required under 37 C.F.R. § 1.137(b)(4).

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**SUBMISSION OF SEQUENCE LISTING**

**RECEIVED**

AUG 15 2002

OFFICE OF PETITIONS

In response to the Office Action mailed June 6, 2001 regarding applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, Applicants submit herewith a corrected computer readable "Sequence Listing" on CD-Rom, stored using MS Windows 2000 operating system in a file entitled "Sequence List 8211247\_1.txt", occupying 91.4 KB stored on August 8, 2002.

The undersigned certifies his belief that the Sequence Listing information recorded in computer readable form is identical to the written (on compact disc) Sequence Listing submitted herewith, and that this submission does not include any new matter.

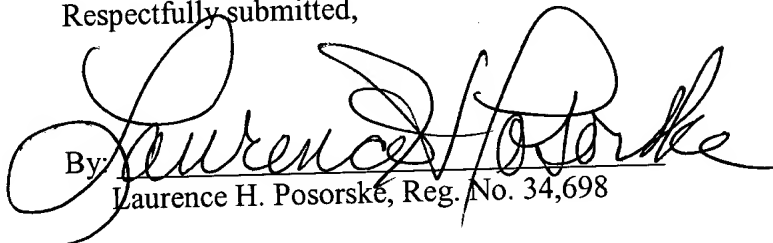
### ELECTION

In response to the Restriction Requirement issued December 11, 2001, in the subject application, Applicants hereby elect the claims of Group I, drawn to an isolated DNA molecule, recombinant cell and DNA primers.

It is believed that no additional fees are required with the filing of this response. However, in the event any variance exists between the amount enclosed and the Patent Office fees, please charge or credit any difference to the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

August 9, 2002

By:   
Laurence H. Posorske, Reg. No. 34,698

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